

REMARKS

Applicants respectfully request that the foregoing amendments be made prior to examination of the present application. Claims 3, 5, 7, 8, 13, and 44-55 are pending. Purely for the sake of expediting examination, Applicants cancel claims 1, 4, 6, 9-12, 14-43 without prejudice or disclaimer. Applicants reserve the right to file one or more continuing applications to the canceled subject matter. Explanations and exemplary written description support for amended and new claims follow below:

Claim 3 is amended to make clear that the desired polynucleotide comprises nucleotide sequences that are “native” to the recited plant cell and that the cell’s genome comprises the desired polynucleotide, whereas the recited selectable marker gene is not. The amendments also make clear that an *Agrobacterium* T-DNA is not used to transform the plant cell with the desired polynucleotide.

Written description for “native” and integration of nucleic acids into the genome, especially of the desired polynucleotide via a non-T-DNA element, is found throughout the specification, such as at paragraph 29 (page 12), paragraph 33 (page 14), paragraphs 235 and 236 (page 59), paragraph 81 (page 27), paragraph 130 (page 35), paragraph 239 (page 62) of the specification.

Claims 5, 7, and 8 are amended simply to ensure correct antecedent basis. Claim 5 also is amended to claim transformation of monocotyledon or dicotyledon plants, which are supported by paragraphs 83 and 84 at page 27.

Claim 13 is amended to claim a “progeny plant” that is obtained from the method of claim 3, supported by paragraph 166 (page 42) and paragraph 411 (page 123).

New claim 44 is supported by paragraph 280 (page 73).

New claim 45 is supported by paragraphs 274 and 275 (page 72).

New claim 46 embraces the “native” concept of the present invention, which is supported by the specification at the cites noted above.

New claim 47 is supported by paragraphs 20 (page 9) and 36 (page 15).

New claim 48, which qualifies the transfer-DNA as a P-DNA, is supported by the entire specification, but see, for instance, paragraph 239 (page 61).

New claim 49 is supported by, for instance, paragraph 35 (page 15) and paragraphs 273 and 274 (pages 71 and 72).

New claims 50-52 are supported by paragraph 35 (page 15), paragraph 30 (top of page 13), paragraph 100 (page 30), and paragraph 112 (page 32).

New claim 53 is supported by paragraph 49 (page 19), paragraph 98 (beginning on page 29), paragraph 118 (page 33) and pages 76-78, paragraph 98 (page 29), and paragraph 305 (page 81).

New claims 54 and 55 are supported by paragraphs 266 and 267 (pages 69 and 70).

New claims 56 and 57 are supported by paragraph 164 (page 42) and Example 1 (beginning at page 84).

For these reasons, Applicants assert that no new matter has been introduced into the present application and respectfully request that the amendments and new claims be entered for examination. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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By

Richard C. Peet

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5483
Facsimile: (202) 672-5399

Richard C. Peet
Attorney for Applicant
Registration No. 35,792